

Appln. No. 10/817,301
Amdt. Dated Dec. 15, 2004
Reply to Office Action of Sep. 15, 2004

REMARKS/ARGUMENTS

In the Office Action dated September 15, 2004, the Examiner objected to the specification, rejected claims 1-37 under 35 USC 112, second paragraph for being indefinite, rejected claims 1-4, 6, 7, 18, 24-26, 36 and 37 under 35 USC 102(b) as anticipated by Brooks (US Patent No. 955,114), rejected claims 1, 2, 6, 7, 18, 24-26, 36 and 37 under 35 USC 102(b) as anticipated by Goodrich (US Patent 365,916), and rejected claims 5, 8 and 27 as rejected under 35 USC 103 as obvious over Goodrich. The Examiner also indicated that claims 9-17, 19-23, and 28-35 would be allowable if rewritten in independent form. In response thereto, the Applicants have amended the specification and claims 1, 2, 4, 6, 7, 8, 9, 10, 11, 15, 18, 20, 21, 24, 25, 34, 35 and 36. Claims 1-37 remain at issue.

The Specification

The Applicants have amended the specification so the use of the trademark VELCRO® is proper.

The 112 Second Paragraph Rejections

The Applicants have amended 1, 2, 4, 8, 10, 15, 18, 20, 21, 25, and 34-36 to correct the various 35 USC 112, second paragraph rejections. These claims are no longer indefinite.

The Art Rejections

Claim 1 has been amended to include a growth chart that has a height sufficient to measure the height of a person, such as a child or a teenager. A child typically may range in height from approximately two feet tall or less to six feet or more. Although this height range should not be construed as limiting, the claims clearly cover a growth chart of sufficient length to measure and record the height of a child. In contrast, Goodrich is directed to a combined ruler and calendar. The ruler of Goodrich is only 12 inches long (see Fig. 2). Similarly, the Brooks reference is directed to a bookmark that is a calendar on one side and a ruler on the other side.

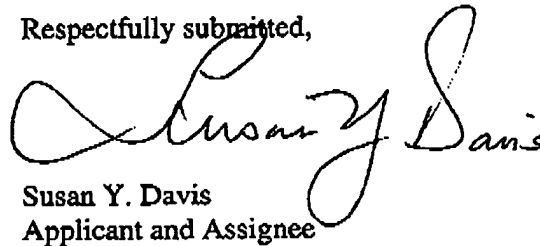
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The ruler is only 8 inches long (see Fig. 2). In both cases, the rulers of Brooks or Goodrich are far too short to be used as a growth chart. A child, even at birth, is taller than the ruler specified by either Brooks or Goodrich.

Claim 1 is therefore allowable. Although patentable in their own right, claims 2-23 are allowable based on their dependency on claim 1. Claims 24-37 are also allowable for essentially the same reasons as discussed above.

Applicants believe that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,

A handwritten signature in cursive script that reads "Susan Y. Davis". The signature is written in black ink and is positioned to the right of the typed name.

Susan Y. Davis
Applicant and Assignee

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